

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 vs.) Docket No:1:005-cr-10223-NMG
)
SIR DAWAYNE HICKS)
)
 Defendant,)

DEFENDANT'S MOTION TO CONDUCT INDEPENDENT TESTING ON
ALLEGED COCAINE TO DETERMINE COMPOSITION AND QUANTITY

The defendant, Sir Dawayne Hicks, moves this court to allow an expert retained by him the opportunity to conduct independent testing on the alleged cocaine seized in this case. As reasons therefore the defendant asserts the following:

1. The certificates of analysis in this case indicate the substance in question is cocaine base in an amount of 5.7 grams.
2. The government has alleged the substance is crack cocaine.
3. The composition of the substance and weight are relevant issues that may have a significant impact on the applicable sentence the defendant receives.

4. Depending on the outcome of the independent testing the defendant may request an evidentiary hearing at sentencing to contest the composition and quantity of the drugs.

5. Allowance of this motion is in the interests of justice and will not cause any significant delay

By his attorney,

/s/ Joseph F. Krowski Jr.
JOSEPH F. KROWSKI JR.
30 Cottage Street
Brockton, MA. 02301
508-584-2555

Dated: March 27, 2007

CERTIFICATE OF SERVICE

I, Joseph F. Krowski Jr., do hereby certify that on this 27th day of March, 2007, I served a copy of the Defendant's Motion to Limit The Scope Of The Rule 11 Hearing (By electronic filing and mail) upon: The Office of the United States Attorney.

/s/ Joseph F. Krowski Jr.
Joseph F. Krowski Jr.

